

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:07CR3170
)	
vs.)	FINAL ORDER OF
)	FORFEITURE AND
)	ORDER TO RELEASE
MICHAEL WHITE,)	WEAPON
)	
Defendant.)	

NOW ON THIS 7th day of April, 2008, this matter comes on before the Court upon the United States' Motion for Final Order of Forfeiture and for Release of Weapon. The Court reviews the record in this case and, being duly advised in the premises, find as follows:

1. On January 28, 2008, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 18, United States Code, Sections 922(g)(1), 924(d) and Title 28, United States Code, 2461(c), based upon the Defendant's plea of guilty to Counts I and II of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the Defendant's interest in a .12 gauge Mossberg pump shotgun, serial number L226830, and a .410 gauge Mossberg bolt action shotgun, model number 183D-A, were forfeited to the United States.

2. On February 21, 28 and March 6, 2008, the United States published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the properties in accordance with the law, and further notifying all third parties of their right to petition the Court within the stated period of time for a hearing to adjudicate the validity of their alleged legal interest(s) in said properties. An Affidavit of Publication was filed herein on April 4, 2008 (Filing No. 39). No person or entity has filed a Petition in response to the publication.

3. On March 28, 2008, this Court sentenced the Defendant and forfeited his interest in both firearms. Additionally, at the sentencing, the Plaintiff and Defendant, with the Court's concurrence, agreed to release the .410 gauge Mossberg bolt action shotgun, model number 183D-A, to the Defendant's brother, James Lee White, 615 North 1st Street, Norfolk, Nebraska 68701. The Lincoln Police Department has determined James White is not prohibited from possessing the weapon.

4. The Plaintiff's Motion for Final Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Plaintiff's Motion for Final Order of Forfeiture is hereby sustained.

B. All right, title and interest in and to the .12 gauge Mossberg pump shotgun, serial number L226830, held by any person or entity, is hereby forever barred and foreclosed.

C. The .12 gauge Mossberg pump shotgun, serial number L226830, be, and the same hereby is, forfeited to the United States of America .

D. The United States Bureau of Alcohol, Tobacco and Firearms for the District of Nebraska is directed to dispose of said property in accordance with law.

E. The Lincoln Police Department shall release the .410 gauge Mossberg bolt action shotgun, model number 183D-A, to James Lee White, 615 North 1st Street, Norfolk, Nebraska 68701.

DATED this 7th day of April, 2008.

BY THE COURT:

s/ RICHARD G. KOPF, JUDGE
United States District Court